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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/017,235	12/18/2001	Michael A. Murphy	1865.1-4	9798

24243 7590 10/07/2003
CHARMASSON & BUCHACA
1545 HOTEL CIRCLE SOUTH
SUITE 150
SAN DIEGO, CA 92108-3412

EXAMINER

WEBMAN, EDWARD J

ART UNIT	PAPER NUMBER
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1617

DATE MAILED: 10/07/2003

8

Please find below and/or attached an Office communication concerning this application or proceeding.

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Art Unit: 1617

The reply filed on 6/18/03 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s): applicants must elect one disease. "DIABETES-INDUCED SYNDROMES" is not claimed, it may include "DIABETIC KETOACIDOSIS" in claim 36 or other diseases. Applicants must elect one disease. That is either "Diabetes" or one claimed syndrome such as the Ketoacidosis.

See 37 CFR 1.111. Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

A further election of species is required:

Claim 3 is generic to a plurality of disclosed patentably distinct species comprising Macrocyclic polyamines. Applicant is required under 35 U.S.C. 121 to elect a single disclosed species, even though this requirement is traversed.

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

For the cyclic polyamine structure of claim 3 applicants must elect one ultimate R_1 , R_2 , R_3 and R_4 .

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Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Edward J. Webman whose telephone number is 308-4432. The examiner can normally be reached on Monday-Friday 9am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, S. Padmanabhan can be reached on 305-1877. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 308-1234.

Webman/tgd
September 26, 2003



EDWARD J. WEBMAN
PRIMARY EXAMINER
GROUP 1500

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